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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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February 18, 1993

TO: Minerals File

FROM: Holland Shepherd, Senior Reclamation Specialist *HS*

RE: Meeting Concerning Non-Compliance Issue at Pagano Clay Project,  
M/015/062, Emery County, Utah

Date of Meeting: February 18, 1993  
Meeting Time: 10:00 a.m. - 11:30 a.m.  
Location: DOGM HQ  
Participants: Harold Marston, Operator; Wayne Hedberg, and Holland Shepherd, DOGM

Mr. Harold Marston stopped into the Division to drop off the reclamation plan for the Pagano Clay Project and to sign the new (revised) surety and reclamation contract prepared by the Division.

East Carbon Constructors (ECC) had submitted a surety and reclamation contract for the Pagano Clay Project on February 10 & 11, 1993. The legal documents were not completed properly by ECC. The forms identified ECC as the designated operator. The operator on record with the Division was Jay Pagano Estate, with Harold Marston as the personal representative. So we asked that Mr. Marston revise the documents accordingly.

The Division changed the forms for Mr. Marston so that he was named as the operator on the contract. This action was performed based upon advise from the Division's legal counsel. At the meeting, Mr. Marston indicated that he was unwilling to sign the forms with that specific designation. He preferred to leave ECC as the designated operator. He indicated that ECC had been responsible for all activity conducted at the site.

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Mr. Marston also submitted a reclamation plan. The plan provides the information required by the Division; however, it must be formatted and expanded on to meet Division requirements. The Division indicated to Mr. Marston that we would attempt to revise/expand the plan for him and have either him or Hank Regulski with ECC review and sign it.

We indicated to Mr. Marston that the Board Hearing would still proceed, even though the required information had been submitted. We also recommended that Mr. Marston bring legal counsel with him to the hearing.

jb  
cc: Harold Marston  
Lowell Braxton, DOGM  
Tom Mitchell, AAG  
M015062